

REMARKS

Before discussing the claims, it is important to point out the differences in concept between the system shown in the Shaffer et al. patent and the present invention. The main point to be made here is that while the two processes are similar in the sense that both are designed to assist a caller that is seeking a product or service, they are fundamentally different.

The Examiner points out that the Schaffer system is tied to a telephone number ("The process of the Shaffer patent is initiated by a caller dialing a selected telephone number to request information and/or services"). With the present invention, no such "selected telephone number" exists. The caller can use multiple channels to contact the service provider – home phone, work phone, cell phone, pay phone, (actually any phone) or via the web. The present invention system is tied to the person (caller). After the call is received, the present invention starts the process of gathering information to build the relationship and complete the order.

While the essence of the present invention is the building of the relationship, this aspect is non-existent in the Shaffer system. There is some information gathering for the limited purposes of completing the instant call, but there is no gathering or storage of data for further use.

Next, and perhaps most importantly, Shaffer is basically a system to route a call and the present invention is basically a system of actually processing of an order (which processing is made uniquely efficient by using stored relationship data). A brief flow chart intended to illustrate this point is included.

The Shaffer system uses external data bases for purposes of routing the call. The present invention uses only its own internal database and that internal database either contains actual preferences previously provided by the caller, or if this is a new caller, such preferences will be recorded and stored for future use and efficiently.

Shaffer seems to be designed to get a caller who dials a vanity number from Point A (dial in) to Point B (servicing location), in a primarily automated environment. In other words, it seems to be a unique way to get someone to the appropriate location to place the order. The Shaffer patent does not make it clear exactly what information is gathered before the caller is sent to the servicing location. My guess is that it looks at different pricing, product availability and service levels and then selects the best fit for the caller. The present invention on the other hand, is a unique way to handle and process the order itself – when the

call is answered the order process immediately begins. The present invention also goes well beyond simple order taking - it creates and uses the data to get the order implemented with the least amount of effort on the part of the caller, thereby making a happy and profitable customer for the business. This seems to be a fundamental difference and really makes Shaffer almost irrelevant to the patentability of the present invention.

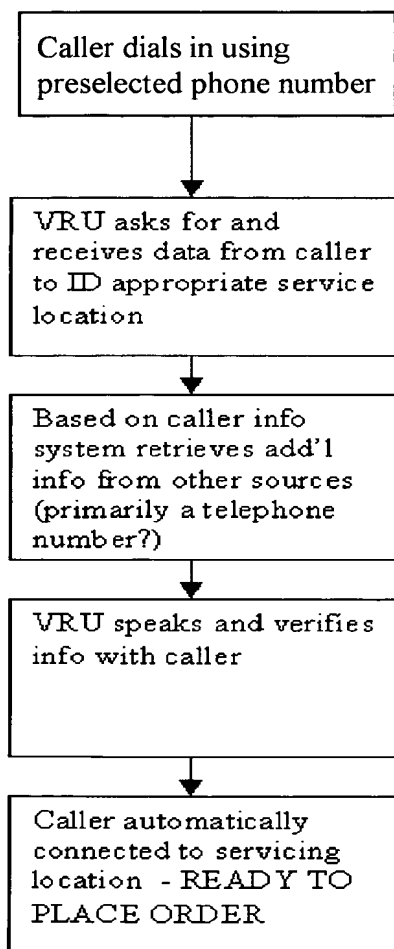
Since the caller, in the Shaffer system, must be directed to the servicing location, there is much more to be done than just setting up delivery. Presumably the caller is being sent there because there are still decisions to be made that the Shaffer process does not purport to handle. Also, it may turn out to be an inappropriate location or the caller may get a busy signal, voice mail or be put on hold, etc... With the approach of the present invention, one call does everything – and it is done immediately. Even if this is a first time caller, the process is highly efficient and beneficial to the caller and to the business. If it is a repeat caller benefits of a fast and accurate completion of the order are maximized through the use of the present invention relationship building database.

Beyond these fundamental differences, the present invention's process includes some important steps that are not addressed in Shaffer. These steps are designed for the purpose of "relationship building" or streamlining the order process and go well beyond the concept of simply routing a phone call. Always, either using the existing data on the caller, or creating a new file for future use, in the ordering process. This can be done either by auto attendant or by speaking to a person, and, on every call, the caller has the option to speak to a live person. This is the foundation of the invention:

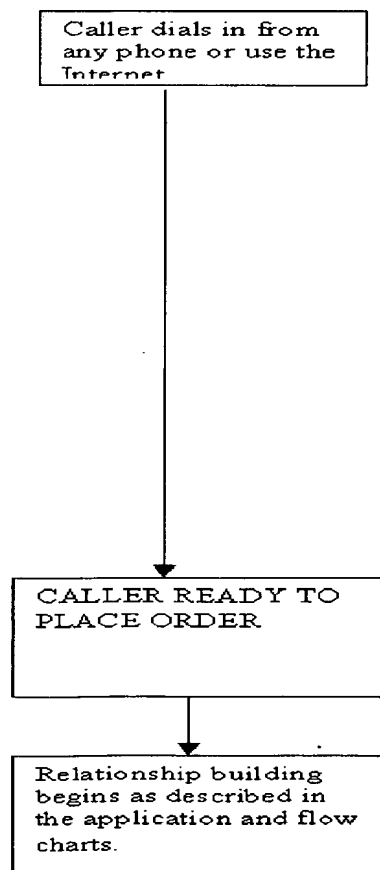
- A. Collect, store and use information in a unique way that simplifies and expedites the process. (Claim 1)
- B. Based on data in our file, quickly and efficiently ascertain the particulars of the delivery by simply asking if the caller wants to use the same delivery method as before. If no data, enter new delivery data so the next call will be faster and more efficient. (Claim 2)
- C. Actually placing the final order with a service location close to the caller, via the internet. (The caller would not be directed to the service location as is the case with Shaffer – here the final order is placed on behalf of the caller). (Claim 3)

- D. Presenting the caller with order options – Presumably, in Shaffer this is only done when the caller is directed to the servicing location. (Claim 4)
- E. Using Caller ID to build relationship data and identify the caller as a former caller. (Claim 5)
- F. Using IVR to ID to build relationship data and identify the caller as a former caller. (Claim 6)
- G. Using speed dial to automatically fill an order based on stored preferences.
- H. Using horn on auto to announce arrival of order.

Shaffer Patent



Tenant Tracker Application



It is respectfully submitted that all of the claims are in condition for allowance and an early indication of allowability is earnestly requested.

A Request for Extension of Time in the Second Month is included along with a check to cover the fee. The due date for the extension fell on a Sunday and extends to the following Monday, August 16, 2004. Since no claims have been added, no additional filing fee is required.

Respectfully,

A handwritten signature in black ink, appearing to read "W. Thomas Timmons", with a small checkmark above the end of the signature.

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